

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CANDY M. SOUSA, )  
Plaintiff )  
 )  
v. ) CIVIL ACTION NO. 04-30022-MAP  
 )  
WAVE SYSTEMS CORP., ET AL, )  
Defendants )

MEMORANDUM AND ORDER REGARDING  
MOTION FOR EXTENSION OF TIME;  
MOTIONS TO CONSOLIDATE; MOTION TO APPOINT  
COUNSEL AND MOTIONS FOR LEAVE TO FILE

(Docket Nos. 8, 9, 10, 12, 13, 18, 21, 23, 26, 28, 31, 41 & 42)

September 3, 2004

PONSOR, U.S.D.J.

Counsel for all parties appeared before this court for a status conference and for hearing on pending motions on September 1, 2004. Based on counsel's representations, the court orders as follows.

With regard to the Motion for Extension of Time (Docket No. 8) the motion is hereby ALLOWED. Defendants may respond in accordance with the preliminary scheduling order set forth below.

With regard to the Motions to Consolidate (Docket Nos. 9, 10, 12, 13, 18, 21, 23, 26 & 31), they are hereby ALLOWED. The following cases are hereby ordered consolidated with this case: Streicher v. Wave Systems Corporation, C.A. 04-30026-MAP, Dawod v. Wave Systems Corporation, C.A. 04-30029-MAP, Chess v. Wave Systems Corporation, C.A. 04-30037-MAP, Vicker v. Wave Systems Corporation, C.A. 04-30040-MAP, Bohman v. Wave Systems Corporation, C.A. 04-30041-MAP, Suo v. Wave Systems Corporation, C.A. 04-30042-MAP, and Schulman v. Wave Systems Corporation, C.A.

04-30043-MAP. In addition, a related case is now pending in the District of New Jersey, Trebitsch v. Wave Systems Corporation, 04-266-JCL. Should that case be transferred to this court, it will also be ordered consolidated with 04-30022-MAP. The seven cases specified above, upon consolidation with this case, may be closed.

The Motion to Appoint Lead and Liaison Counsel (Docket No. 28) is hereby ALLOWED. Lead counsel in this case will be Schiffrin & Barroway, LLP, Three Bala Plaza East, Suite 400, Bala Cynwyd, PA 19004. Liaison counsel will be Gilman & Pastor, LLP, Stonehill Corp. Center, 999 Broadway, Suite 500, Saugus, MA 01906.

Lead counsel and liaison counsel will be responsible for communicating with the court on behalf of the proposed plaintiff class, and for insuring that copies of all court rulings and other relevant materials are distributed to counsel for the parties in all the consolidated cases.

The Motions for Leave to File (Docket Nos. 41 & 42) are hereby ALLOWED.

Future proceedings in this case will unfold as follows:

1. On or before October 15, 2004 lead counsel for the plaintiff will file an amended complaint and a motion to amend the caption so that the case will be known as Brumbaugh v. Wave Systems, C.A. 04-30022-MAP.
2. On or before November 30, 2004, defendants will file their motion to dismiss.
3. Plaintiff's opposition to the motion to dismiss will be filed by January 15, 2005.
4. Any reply to the opposition will be filed by

February 8, 2005.

5. Counsel will appear again before this court for argument on the motion to dismiss on February 16, 2005 at 2:00 p.m.

It is So Ordered.

/s/ Michael A. Ponsor  
MICHAEL A. PONSOR  
U. S. District Judge